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South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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CONTENTS

Week in Review	2
Committee Action	12
Bills Introduced	15
Footnote	16
Index	17

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Legislative Update--May 21, 1996

HOUSE

conference committee report adopted

Representatives granted free conference powers and then adopted the report on **S. 90**. The bill provides that penalties for armed robbery would apply to a robber who claims to have a weapon but does not. The bill was amended to provide an extension for submission of fingerprint reviews by candidates for sheriff. Under the measure, the reviews generally would be due 130 days before elections in November. This year only, reviews would be due in mid-September since none of the candidates met the current end of February deadline. However, the review requirement does not apply to incumbent sheriffs. **S. 1315** revises the South Carolina/Georgia border based on North American Datum 1927. Representatives amended the bill to provide the extension for candidates for sheriff to submit fingerprint reviews. However, Senators deleted that language, and submitted the proposal in two other forms. First the provision was introduced as a separate bill, **S. 1380**. This measure already has received third reading in the Senate, and is now in the House Judiciary Committee. Also, conferees on **S. 90** concerning armed robbery, amended the measure to provide for the fingerprint review extension. That conference report was adopted by the House, and was enrolled for ratification last week.

conference committee appointed

Representatives Margaret Gamble, Michael Jaskwich, and Willie McMahan were appointed conferees on **S. 949**. The bill provides students with a fourth opportunity this year to pass the Education Entrance Examination (EEE) to enter a teaching program. The House had amended the bill to require a student taking the EEE a third time must first complete a remedial course, but Senators refused to adopt that provision.

Representatives Bill Cotty, Jerry Govan, and Sandra Wofford were appointed as conferees on **S. 1293**. The bill authorizes that a crime victim receive a free copy of the incident report pertaining to his case. The ten dollar (\$10) fee for this document would be paid by the offender. The bill also addresses restitution payments and hearings. It authorizes the Attorney General or his designee to attend these hearings. The estimated fiscal impact of this measure is over \$3 million dollars annually. A House amendment stipulates these provisions would be done only if there is sufficient funding. A similar bill, **H. 4657**, is currently in the Senate Judiciary Committee.

Representative John Felder was appointed to replace House Judiciary Chairman Jim Harrison as a conferee on **H. 3901**. The bill originally concerned the sale of property to collect delinquent taxes, and provided that the interest rate for the final six months of the redemption period would be twelve rather than eight per cent. It was similar to **S. 699**, which was passed by both chambers and ratified. However, Senators amended the proposed legislation to address local government tax caps and the elimination of taxes on vehicles. The Senate wants a referendum this November to determine whether, in most cases, local governments must have two-third's approval in order to enact new taxes or raise existing ones beyond the rate of inflation. Another question on the ballot would ask voters whether to raise sales tax by a penny in order to eliminate property taxes. Senators want this referendum to be binding, while Representatives believe the

Legislative Update--May 21, 1996

referendum should be advisory only. House conferees say they are concerned whether the additional sales taxes would offset the loss of property taxes.

Representatives Greg Delleney, Ron Fulmer, and Doug Smith were appointed as conferees on a couple of judicial reform bills. H. 3961 provides for a referendum amending the State Constitution in order to establish a Judicial Merit Selection Commission. This commission is authorized to investigate and review candidates, in order to eliminate weak ones. Legislators would not be allowed to vote for any candidate found "unqualified." The measure also increases the minimum age of judges from twenty-six to thirty-two years old. The House and Senate disagree over the size and appointment of the Commission. While Representatives proposed eleven members, Senators suggested thirteen. The Senate also amended the bill to provide that a legislator must be out of the General Assembly for at least one year before applying for a judgeship--a provision which the House refused to adopt earlier this year. Another Senate amendment provides that successful candidates must receive a majority of votes from both the House and the Senate, rather than a simple majority of the total number of legislators. Representatives removed this provision when the measure was returned to the House. The other judicial reform bill, H. 3962, also provides for a referendum to establish a Judicial Selection Commission, raise the minimum age of judges, and require a majority of both chambers (not just total legislators) to elect a person as judge.

concurrence in Senate amendments, to be ratified

Under H. 3055, a student may receive foreign language credit for taking a course in American sign language. The measure also establishes a nine member task force to develop guidelines for the program. H. 3373 provides that half of all fines collected for animal cruelty and ill treatment must be awarded to any local nonprofit animal humane organization involved in prosecuting the violation. If none were involved, then the fine would be distributed as provided by law. H. 3710 provides for a two year phase in of a sales tax exemption for machinery used in recycling. H. 4409 provides for the type of instrument which may preclude the severance of the right of survivorship. The measure includes an instrument in which a person or persons makes a conveyance to himself and at least one other person. H. 4694 provides state guidelines for the newly deregulated telecommunications industry. The measure creates a special fund to ensure continued accessibility to and affordability of these services. It allows local telephone companies to compete against each other, and to earn greater profits while providing checks for numerous rate increases, especially in rural areas. H. 4737 reauthorizes Educational Television (ETV). The measure requires ETV to study the effectiveness of instructional television, and to report back to the Legislature. It also provides that equipment in the schools are owned by the districts rather than by ETV. The amendments to this bill specify the composition of the seven member board, and require that ETV privatize its daycare facility. H. 4865 reforms property insurance problems faced by coastal residents. It revises insurance premium rates for coastal areas based on ninety per cent of rates approved for the South Carolina Wind and Hail Underwriting Association. It also provides that rates may not increase more than once every six months. A similar measure, S. 1305, was passed by both chambers and ratified. H. 4976 addresses a recent rash of church burnings across the state. The measure doubles the sentence to ten years in cases where there is no injury or only partial defacement. More serious cases still would be covered by existing arson laws which carry sentences of up to twenty-five years.

Legislative Update--May 21, 1996

nonconcurrence in Senate amendments, amended, and returned to the Senate

H. 4663 provides that the granting of bail is discretionary in most cases. However, bail would continue to be prohibited for offenders serving life or death sentences, or serving sentences longer than ten years. Senators amended the bill to address alienation of affection litigation and to provide for just cause. However, the House removed much of that language.

received third reading, to be ratified

S. 1071 allows school districts to approve their own medical and religious exemptions from physical education. S. 1358 provides that the Department of Revenue will administer provisions of the "Uniform Unclaimed Property Act" rather than the State Treasurer.

received third reading, amended, and returned to the Senate

S. 1162 allows a dealer plate to be issued for a vehicle which the dealer lends to an economic development entity. Among other things, the comprehensive amendment transfers the Division of Motor Vehicles from the Department of Revenue to the Department of Public Safety. It removes the requirement that a person's driver's license be suspended for failure to pay property taxes, while providing for garnishment of funds for that purpose. In addition, the measure also allows eliminates the requirement of passing a written test for applicants who have successfully completed a drivers' training course. Commercial driver's license renewal will be extended to five years to match the renewal schedule for standard driver's licenses. S. 1197 requires that a nonresident owning or operating a shad net in the Savannah River be licensed. Violators would be guilty of a misdemeanor punishable by a fine of at least twenty-five dollars (\$25), or a sentence of not more than thirty days. Other measures included in the bill revise several current fishing and wildlife provisions, such as licensing provisions and the hunter education program.

received third reading, sent to the Senate

H. 4112 directs the Department of Transportation to collect information on and to develop safety plans for one hundred meter stretches of highway where two or more accidents have occurred during a year. The measure requires that a report be made to the Senate Transportation and the House Education and Public Works Committees before the beginning of each legislative session. The House adopted eight joint resolutions concerning Department of Education regulations in order to eliminate duplication, and to give school districts additional flexibility to meet their students' needs. H. 5015 provides that early dismissals for emergencies by school districts would not have to be made up when the dismissal is justified. However, full days which are missed would still have to be made up. H. 5017 requires that a safety plan be developed for disasters, and that early dismissals be reported to the Department of Education. H. 5018 repeals regulations of the teacher incentive program since this program has not been funded since 1991. H. 5019 repeals duplicative regulations requiring health examinations for nonprofessional personnel.

Legislative Update—May 21, 1996

H. 5020 repeals duplicative regulations requiring health examinations by paraprofessional personnel, also. H. 5022 repeals duplicative regulations concerning the entrance age of school children. H. 5023 repeals duplicative regulations requiring a school census. S. 5024 repeals regulations specifying information to be included in school board policy manuals, so that local boards may include topics which they deem appropriate.

received second reading

S. 378 originally provided for special license plates for shriners. However, the bill was amended to include special license plates for a variety of other groups as well, including Girl Scouts and antique dealers. Another provision included in the bill is similar to H. 4323 which is currently in the Senate Transportation Committee. The measure raises the maximum speed limit on interstate highways in South Carolina to seventy miles per hour, and sixty miles per hour on multilane divided highways. State engineers would be permitted to set speed limits higher than fifty-five miles per hour on some state highways. The bill also provides for a forty-five miles per hour speed limit on unpaved roads, and a thirty miles per hour limit in an urban district. In addition, vehicles pulling trailers are required to travel ten miles per hour slower than the posted speed limit. The measure was proposed in response to revocation of national speed limits by the federal government, allowing states to set their own maximum limits. H. 5014 repeals a Department of Education regulation stipulating certain organizational patterns for schools in order for local districts to have additional flexibility to adopt provisions which they deem appropriate. H. 5016 repeals duplicative regulations specifying the length and division of the school day. H. 5021 repeals regulations requiring report cards in order to consolidate and condense these regulations.

continued

S. 67 provided for the issuance of special license plates for Marine Corps members. An amendment to the bill provided special tags for several other groups as well, including the Girl Scouts and members of numerous boards and commissions. Included in that amendment was a provision raising speed limits across the state. Similar to H. 4323 which is in the Senate Transportation Committee, it increased the maximum speed limit on interstate highways in South Carolina to seventy miles per hour, and sixty miles per hour on multilane divided highways. State engineers would be permitted to set speed limits higher than fifty-five miles per hour on some state highways. The bill also provided for a forty-five miles per hour speed limit on unpaved roads, and a thirty miles per hour limit in an urban district. In addition, vehicles pulling trailers are required to travel ten miles per hour slower than the posted speed limit. The measure was proposed in response to revocation of national speed limits by the federal government, allowing states to set their own maximum limits.

recalled

S. 913 was recalled from the Ways and Means Committee. The bill is a technical revision updating the reference date where the state annually adopts Internal Revenue Codes. S. 1260 was

Legislative Update--May 21, 1996

recalled from the Agriculture, Natural Resources, and Environmental Affairs Committee. The bill concerns the transfer of a domestic animal to an animal shelter. It provides that the person boarding the animal must notify the owner of the impending transfer by certified mail within ten days of the date the animal was to have been picked up. The bill also provides that an owner who abandons an animal and refuses to pay boarding fees is guilty of a misdemeanor punishable by a fine of up to two hundred dollars (\$200) or a sentence of not more than thirty days. **S. 1263** also was recalled from the Agriculture Committee last week. The measure revises animal cruelty laws, and provides that offenses may be tried in municipal court as well as magistrate's court. It includes fowl in these provisions, and requires that an offender forfeit ownership and pay medical and boarding expenses of the animal or fowl.

SENATE

conference report adopted, to be ratified

Senators approved the conference report on **S. 1315**. The measure revises the South Carolina/Georgia border based on North American Datum 1927. Representatives amended the bill to provide an extension for candidates for sheriff to submit fingerprint reviews. Since none of the candidates met the current end of February deadline, this year only the reviews are due by mid-September. After this year, candidates will have to be fingerprinted by late June. The proposed legislation would not apply to incumbent sheriffs. However, Senators deleted that language, and submitted the proposal in two other forms. First the provision was introduced as a separate bill, **S. 1380**, which already has received third reading in the Senate and is now in the House Judiciary Committee. Also, **S. 90** concerning armed robbery was amended to provide for the extension. That conference report has been adopted by both chambers, and the measure was enrolled for ratification.

conference committee appointed

Senators Darrell Jackson, Larry Martin, and David Thomas were appointed as conferees on **S. 1293**. The measure authorizes that a crime victim receive a free copy of the incident report pertaining to his case. The ten dollar (\$10) fee for this document would be paid by the offender. The bill also addresses restitution payments and hearings, and authorizes the Attorney General or his designee to attend these hearings. The estimated fiscal impact of this measure is over \$3 million dollars annually. The House amendment stipulates these provisions would be done only if there is sufficient funding. A similar bill, **H. 4657**, is currently in the Senate Judiciary Committee.

Senators Jim Bryan, William Mescher, and McKinley Washington were appointed as conferees on **H. 3228**. The bill provides that both custodial and noncustodial parents are entitled to participate in their children's school activities unless prohibited by a court order. Senators amended the bill to provide that the court may not restrict a custodial parent from moving anywhere in the state without a compelling reason. However, Representatives deleted that provision.

Legislative Update--May 21, 1996

Senators John Courson, Tom Moore, and Glen McConnell were appointed as conferees on a couple of judicial reform bills. H. 3961 provides for a referendum to amend the State Constitution in order to establish a Judicial Merit Selection Commission. The Commission is authorized to investigate and review candidates, and to eliminate weak ones. Legislators would not be allowed to vote for any candidate found "unqualified." The measure also increases the minimum age of judges from twenty-six to thirty-two years old. The House and Senate disagree over the size and appointment of the Commission. While Representatives proposed eleven members, Senators suggested thirteen. The Senate also amended the bill to provide that a legislator must be out of the General Assembly for at least one year before applying for a judgeship--a provision which the House refused to adopt earlier this year. Another Senate amendment provides that successful candidates must receive a majority of votes from both the House and Senate, rather than a majority of the total number of legislators. Representatives removed this provision. H. 3962 also provides for a referendum concerning judicial reform. Voters would be asked if a Judicial Merit Selection Commission should be established, whether the minimum age for judges should be raised, and if candidates should receive a majority of votes from both chambers of the General Assembly.

nonconcurrence in House amendments, to conference committee

Senators refused to accept House amendments to S. 1293, which provides that a crime victim receive a free copy of the incident report pertaining to his case. The ten dollar (\$10) fee for this document would be paid by the offender. The bill also addresses restitution payments and hearings. It permits the Attorney General or his designee to attend these hearings. The House amendment stipulates that this would be contingent on adequate funding. Meanwhile, the House sponsored version of this measure, H. 4657, currently is in the Senate Judiciary Committee.

concurrence in House amendments, to be ratified

Senators approved changes to S. 1197. The bill requires that a nonresident owning or operating a shad net in the Savannah River be licensed. Violators would be guilty of a misdemeanor punishable by a fine of at least twenty-five dollars (\$25), or a sentence of not more than thirty days. The House amended the bill to revise several current fishing and wildlife provisions, such as licensing provisions and the hunter education program.

received third reading, to be ratified

H. 4542, concerning the Setoff Debt Collection Act, includes municipal, county, and regional housing authorities as claimant agencies. H. 4649 establishes a central cancer registry at the Department of Health and Environmental Control (DHEC). Statistics will be compiled from all health care providers who diagnose and/or treat cancer. This information will be used to develop a statewide strategy to prevent cancer, encourage early detection, and improve care. Funding will come from the federal Center for Disease Control. H. 4681 provides that a South Carolina Business Development Corporation and its securities are exempt from corporate license taxes and

Legislative Update--May 21, 1996

fees. It also expands the sources from which such a corporation may borrow money, and deletes the requirement that its loans bear a particular interest rate. H. 4795 stipulates that a creditor providing a real estate loan notify the borrower in writing of its preference of attorney. H. 4979 authorizes revision of existing capital improvement bonds to provide \$400,000 for the Cheraw State Fish Hatchery and nearly \$1.5 million dollars for the Turbeville Correctional Institution.

received third reading, amended, returned to the House

H. 3446, known as the "Hog Farm Bill," was amended to prohibit new and expanding swine feeding facilities involving more than three thousand (3,000) swine per square mile until the Department of Health and Environmental Control (DHEC) finishes developing stricter regulations and standards for livestock and poultry farms. Currently DHEC is working on such regulations, but they may not be ready until next year. Earlier proposed provisions concerning minimum setback limits and lining requirements for lagoons, were not included in the final bill. Most hog farms in South Carolina would not be affected by the proposed legislation since they have fewer than one thousand (1,000) pigs. H. 3624 enacts the "South Carolina Environmental Audit and Disclosure Immunity Act of 1996." The bill is designed to increase voluntary compliance with environmental laws by providing companies with confidentiality for disclosure and limited protection from penalties. They would be allowed to police themselves, as long as they acted in a good faith and timely manner. Under the measure, companies could seal internal reports within ten days after being initiated. The bill also eliminates some penalties for violations which are reported voluntarily within two weeks of the problem, as long as progress is being made to remedy the situation and disclosure is not mandated by law. However, this does not apply to criminal violations or repeated violations. Meanwhile, the Environmental Protection Agency (EPA) has indicated it remove state control of a new federal air pollution control program is the bill is passed in its present form. H. 3785 enacts the "Massage Practice Act." The measure revises regulations of masseurs and masseuses, and establishes disciplinary actions for violations. It also creates the Board of Massage. H. 3905 provides that a nonresident child may attend any school district as long as school taxes are paid for that child. H. 4541 increases fines and penalties for unlawful destruction or desecration of human remains or graves. Senators amended the bill to provide for an African-American Heritage monument on the State House grounds. It also provides for a study of the feasibility of an African-American History Museum as well. H. 4584 provides that desecration of a war monument or memorial is a misdemeanor punishable by a fine of up to five thousand dollars (\$5,000), a sentence of more than one year, or both. Senators amended the bill to provide for an African-American Heritage monument on the State House grounds. It also provides for a study of the feasibility of an African-American History Museum as well. H. 4627 revises disciplinary actions against certified public accountants and public accountants, including a public reprimand, a fine of up to five hundred dollars (\$500), and revocation, suspension, or restriction of licenses. H. 4803 calls for a referendum to give the State Supreme Court additional power to remove bad judges. This joint resolution establishes reasons, other than impeachment, that judges may be recalled. These include misconduct in office, ethical breaches, habitual intemperance, persistent failure to perform the duties of office, and mental or physical incapacity. H. 4818 originally provided for the circumstances and time frame under which a child may be sent to a secure juvenile detention facility. Senators amended the bill to include perinatal drug

Legislative Update—May 21, 1996

assessment and intervention measures. The provision requires counseling by physicians, and authorizes drug testing of newborns.

received third reading, sent to the House

S. 956 revises requirements concerning how revenue from a special retail beer and wine permit for off-premises consumption is spent. Usually the fees are credited to the General Fund. However, currently in areas where over three thousand military jobs have been lost, the money is designated to a special Budget and Control Board (B&C) account for the support of an area redevelopment authority. This bill provides that revenue may be earmarked for that special B&C account when an area loses seven hundred fifty jobs, rather than three thousand.

concurrent resolution adopted, amended, and returned to House for concurrence

Senators approved **H. 4494** which originally set noon Wednesday, May 29, 1996 as the time to elect a circuit court judge to replace Ralph King Anderson, Junior. Anderson was elected to the Appeals Court earlier this year. However, the Senate amended the concurrent resolution to provide that the election would be held at noon Wednesday, May 22, 1996 instead.

received second reading

S. 543 requires the Joint Legislative Committee on Children and Families to prepare a family impact statement on bills and resolutions which might have a significant impact on families in the state. The Joint Committee is also required to submit a report on recommendations to strengthen families. In addition, state agencies are required to prepare family impact statements for their policies and regulations. **S. 941** promotes Major General T. Eston Marchant to the rank of Lieutenant General of the South Carolina Army National Guard as of January 10, 1995. **H. 3116** concerns safety requirements for persons water skiing or being towed while riding kneeboards. An amendment was adopted which prohibits the use of airboats on the Waccamaw, Great and Little Pee Dee, Black, and Sampit Rivers in Georgetown County. **H. 3273** provides that purple heart license plates are permanent. It also eliminates the biennial license tag fee. **H. 3740** revises the Migrant Farm Workers Commission by adding an additional member and changing the name to reflect seasonal workers as well. The bill provides for a pre-occupancy housing inspection program only if adequate state funds are available. **H. 3845** authorizes the Department of Public Safety to furnish the State Election Commission with jury lists every three years rather than annually, beginning this September. **H. 3987** revises fees for farm truck licenses, reflecting the gross weight of the vehicle rather than the maximum empty weight. **H. 4012** establishes a special thirty dollar (\$30) license decal for intrastate logging trucks. It also specifies acceptable load lengths. The measure was amended to include a provision for special license plates for shriners as well. **H. 4277** conforms state laws prohibiting employment discrimination with the Federal Americans with Disabilities Act. **H. 4372** provides civil action for injunction relief and monetary awards when the release of reserved water damages property. **H. 4443** enacts the "South Carolina Charter School Act." The bill authorizes establishment of district-wide schools which are freed

Legislative Update—May 21, 1996

from certain state regulations. Among other provisions, the measure permits these schools to be dedicated to specialized academic areas, and to hire unlicensed teachers. **H. 4501**, concerning the "Setoff Debt Collection Act," excludes debts owed to a county hospital when the debtor and the hospital have entered into a written agreement which the debtor is fulfilling. **H. 4546** allows an electric utility to sell or transfer property without a prior hearing before the Public Service Commission, which is currently required. **H. 4568** authorizes the establishment of South Carolina Veterans Homes to be run by the Department of Mental Health (DMH). Similar to federal Veterans' Administration nursing homes, the state-run homes will provide treatment for South Carolina veterans whose physical or mental condition require long-term care. DMH will consult with the Division of Veterans Affairs in the Governor's Office concerning the policies, management, and operation of the veterans homes. **H. 4637** originally was similar to **S. 1195** which has been ratified. The bill defined the mission of higher education in South Carolina, and required accountability from these institutions. The bill also provided the Commission on Higher Education with regulatory authority for the first time. The Commission was authorized to close institutions which do not meet standards, and to eliminate programs where duplication is unnecessary. The measure established critical success factors for academic quality, and prescribes performance indicators to measure these factors. In addition, it revised the method of determining budgets of higher education institutions, and based those budgets in part on achievement of standards rather than the number of students served. Since the Senate version of the bill was adopted, this House sponsored bill has been amended to become the "Winthrop University Facilities Revenue Bond Act" instead. Among other provisions, it authorizes bonds in order to acquire an off-campus bookstore. **H. 4796** permits owners of semitrailers to pay a onetime fee of eighty-seven dollars (\$87) in lieu of property taxes and registration. The bill also requires the Department of Public Safety to assess the value of motor carriers subject to property tax. While the measure would have no immediate fiscal impact, it is estimated that local governments could receive a fifty per cent increase in future property tax revenues from motor carriers. **H. 4825** clarifies last session's gas tax bill. The measure provides that licenses are in lieu of other taxes, and that the backup tax applies to alternative fuels as well as gasoline. Also included in the provisions is one which stipulates that a license may be suspended or revoked for failure to comply with deferred payments. **H. 4833** updates the Procedures Act of 1995 to comply with current provisions. It conforms the statute of limitations on gas tax to make it consistent with other taxes, and clarifies provisions relating to unclaimed property and jeopardy assessments. Also, the measure extends time constraints for protest and filing periods. Senators amended the bill to provide a fifty acre cap on tax exempt property rehabilitated by charitable organizations, rather than the current fifteen. **H. 4834** provides numerous revisions to state tax laws. The bill authorizes alternative means for signing, and storing returns, as well for submitting payments. It redefines liabilities of innocent spouses where the primary responsibility for the incurred tax rests with the other spouse, and provides a tax exemption for certain medical supplies.

recalled

S. 3987 was recalled from the Transportation Committee, and given second reading last week. The bill revises fees for farm truck licenses, reflecting the gross weight of the vehicle rather than the maximum empty weight. **S. 4649** was recalled from the Medical Affairs Committee. The measure establishes a central cancer registry at the Department of Health and Environmental

Legislative Update--May 21, 1996

Control (DHEC). Statistics will be compiled from all health care providers who diagnose and/or treat cancer. This information will be used to develop a statewide strategy to prevent cancer, encourage early detection, and improve care. Funding will come from the federal Center for Disease Control. This bill received third reading in the Senate last week, and has been enrolled for ratification.

Legislative Update--May 21, 1996

COMMITTEE ACTION

Agriculture, Natural Resources, and Environmental Affairs

Neither the full committee nor any subcommittees met last week.

Education and Public Works

Neither the full committee nor any subcommittees met last week.

Judiciary

Committee members reported favorably on twenty-nine Senate sponsored measures last week. **S. 72** originally provided that a couple may divorce after living apart for at least one year, whether the separation is voluntary or involuntary. The Committee amended the measure to provide that the separation must be voluntary. However, the Committee also another amendment which provides that a divorce may be granted after three years when a couple has been separated due to a person's involuntary confinement in an institution for mental incompetency or imprisonment of at least fifteen years. **S. 73** provides for a referendum in order to amend the State Constitution allowing divorce when a couple has been separated voluntarily for at least one year, or separated involuntarily for at least three years due to confinement for mental incompetency or imprisonment of at least fifteen years. **S. 95** provides that a person convicted of a violent crime may not participate in the extended work release program. **S. 556** calls for a voter referendum to amend the State Constitution in order to allow a person not yet eighteen years old, but who would become eighteen years old before the next general election, to register to vote in that election. The Committee amended the joint resolution to provide that felons may not vote. **S. 583** statutorily enables a person not yet eighteen years old, but who will become eighteen years old before the next election, to register to vote. Committee members also amended this bill to provide that felons may not vote. **S. 659** provides that hotels with liquor licenses may establish in each room a locked "hospitality cabinet" containing no more than thirty mini-bottles. One amendment to the measure provides that accessibility to the cabinet is not limited to specific hours. Another stipulates that no alcoholic beverage license may be granted if the business is within three hundred feet of a church, school, or playground if in a municipality, or five hundred feet if not. **S. 776** provides for the types of hearings at which an interpreter for the deaf must be provided. **S. 921** provides that all regulations requiring review by the General Assembly would expire five years after their effective dates unless approved for additional five year periods. **S. 926** provides that the identity or picture of a juvenile offender may be made public in cases of a violent crime, car theft, drug trafficking, or where a weapon is involved. **S. 929** provides that when one municipality annexes property in another municipality, their governing bodies, after a public hearing, may stipulate and adjust boundaries by mutually adopting an ordinance. **S. 1013** provides that a live animal may not be given as a prize for, or inducement to enter, a game, contest or place of amusement. Violators would be guilty of a misdemeanor punishable for each separate offense by a fine not to exceed three hundred dollars (\$300), a sentence of not more than thirty days, or both. However, the raffling of animals still would be allowed. This bill is similar to **H. 4651**, which

Legislative Update--May 21, 1996

has been recommitted to the House Judiciary Committee. **S. 1028** abolishes a municipal election commission in cases where the county election commission has assumed total responsibility for municipal elections. An amendment to the bill stipulates that the municipal election commission cannot be abolished if only part of the responsibilities have been transferred. **S. 1050** provides for a voter referendum to enact the "Victims' Bill of Rights." The proposed legislation strives to protect victims' right to justice and due process. It authorizes that victims receive pertinent information concerning their cases. They would be allowed to be present and speak at proceedings, and would receive restitution from their perpetrators. The joint resolution also provides that bail may be denied to a person charged with a violent offense. **S. 1064** authorizes the use of paper ballots in special elections when using voting machines is not practical or cost efficient. **S. 1073** increases the fine for a first offense of stealing electricity from one hundred (\$100) to five hundred dollars (\$500). It also adds a second or subsequent offense of stealing electricity, which would be a misdemeanor punishable by a fine of not more than ten thousand dollars (\$10,000), a sentence of not more than three years, or both. **S. 1100** requires that the Secretary of State monitor all elected or appointed state boards, commissions, and judicial offices to determine when vacancies occur. The measure also requires that the Secretary of State publicize these vacancies, and a that person not seeking re-election notify the joint committee to review candidates at least thirty days prior to the last filing day for that office or position. An amendment to the bill makes its implementation contingent upon adequate funding. **S. 1114** authorizes Georgetown County to have a Register of Mesne Conveyance. **S. 1123** provides that a resident of any state may purchase a shotgun or rifle in South Carolina. **S. 1147** provides that video rental merchants must send notice by certified mail to persons failing to return videos on time, and wait five days before a warrant may be issued for larceny. **S. 1152** revises the ages of the victim of a lewd act upon a minor. Currently victims must be under fourteen years old. The bill increases that to under sixteen years old. **S. 1160** makes numerous revisions concerning election laws. The measure revises absentee ballots and their requirements, while providing that challenged votes are provisional. The Bureau of Vital Statistics is required to furnish the State Election Commission with a monthly report of persons eighteen years old or older who died during the previous month as opposed to those twenty-one or older as is currently reported. Other provisions ease the calling of special meetings of party clubs, provide for published notification of municipal elections, designate filing requirements for candidates, and authorize poll watchers for nonpartisan and write-in candidates, as well as provide requirements for poll watcher badges. The bill also deletes the requirement that voter registration books be kept in the Clerk of Court's Office, and provides that only a single registration book must be provided to each polling district rather than two as currently required. It also provides that only the county election commission may appoint the chairman of the board of managers. **S. 1198** provides that county governing bodies may limit the duties of county code enforcement officers. **S. 1213** authorizes a referendum to determine whether to delete the provision that a person may vote only in the precinct of his residence. A separate question on the ballot would ask whether to delete the provision that a person who moves within thirty days of an election must be allowed to vote in the precinct of his former residence. **S. 1216** brings the state into compliance with the federal "Motor Voter" law. It enacts provisions for multiple site voter registration, and specifies designated registration agencies. The fiscal impact of this legislation is estimated to be \$1 million dollars annually. An amendment to the bill provides size restrictions concerning badges worn by candidates. **S. 1284** authorizes placement of a child in a secure juvenile detention facility when no suitable alternative exists, or when it is deemed that placement is in the child's best interest or is necessary to protect

Legislative Update--May 21, 1996

either the child or the public. The bill also specifies the time frame for review, and expands the circumstances under which the Department of Juvenile Justice may fingerprint and photograph a juvenile. This measure is similar to H. 4657, which passed the House and currently is in the Senate Judiciary Committee. S. 1286 prohibits daycare centers from knowingly hiring a person convicted of a violent or sex crime, as well as certain other offenses. Such applicants would be guilty of a misdemeanor and subject to a fine of up to five thousand dollars (\$5,000), a sentence of not more than one year, or both. The bill also requires that applicants be fingerprinted to determine any criminal history. S. 1306 expands the circumstances under which an officer of the Department of Natural Resources may issue an official summons. The measure also provides that the summons is considered a receipt for any fine deposited with the officer. S. 1327 prohibits the governor from reappointing a magistrate who fails to meet training or certification requirements. This measure was introduced after reports that four magistrates who failed the test were able to keep their jobs despite a state law requiring their removal. S. 1335 enacts the "Southern Regional Emergency Management Assistance Compact" to provide technical help and training between member states in managing emergencies or disasters declared by the governor of the affected state.

Labor, Commerce, and Industry

The Labor, Commerce and Industry Committee gave favorable reports to the following bills: S. 506, as amended, protects contractors when subcontractors falsely claim to have workers' compensation insurance; S. 35, as amended, creates a Privatization Policy Board to determine whether services currently provided by a state agency might be provided more efficiently by the private sector; S. 66, as amended, requires counties and municipalities to adopt nationally or regionally accepted building codes for new construction. In joint resolution H. 5027, the committee recommended approval for R. 1912 submitted by the Department of Labor, Licensing and Regulation to require registered professional engineers and land surveyors to demonstrate continuing professional competency through course work in order to re-register. The committee tabled H. 4049 which redesignates plumbers, electricians, and heating/air conditioning mechanics as mechanical contractors and exempts them from most local regulation.

Medical, Military, Public and Municipal Affairs

Neither the full committee nor any subcommittees met last week.

Ways and Means

Neither the full committee nor any subcommittees met last week.

Legislative Update—May 21, 1996

BILLS INTRODUCED

Agriculture, Natural Resources, and Environmental Affairs

No bills were assigned to this committee last week.

Education and Public Works

S. 453 TEXTBOOK PURCHASES Sen. Rose

This bill allows a school district to purchase directly from a contracted publisher any textbook approved by the Board of Education which is not available from the Department of Education when needed. The bill also requires permission from the board of trustees for a public school to offer a course to students for which the approved textbooks and materials cannot be supplied in timely fashion.

Judiciary

No bills were assigned to this committee last week.

Labor, Commerce, and Industry

No bills were assigned to this committee last week.

Medical, Military, Public and Municipal Affairs

No bills were assigned to this committee last week.

Ways and Means

No bills were assigned to this committee last week.

Legislative Update--May 21, 1996

FOOTNOTE

The Legislative Update is now on-line! Members and staff who are on the network may access documents by pressing "List Files (F5)," THEN TYPING "H:\UPDATE" and pressing "enter." All of the Legislative Updates will be listed by week. Using up/down arrows, choose the Legislative Update which corresponds to the week you need and press "enter."

If you need or prefer to access the Legislative Update through the World Wide Web, visit the South Carolina General Assembly Home Page (www.lpitr.state.sc.us). On the first page, click on the "Quick-Find Guide." Click on "Reports" on the next page. This will list all of the Legislative Updates by week. Then click on the week you need.

Legislative Update--May 21, 1996

		Index	
S. 35	14	S. 1284	13
S. 66	14	S. 1286	14
S. 67	5	S. 1293	2
S. 72	12	S. 1293	7
S. 73	12	S. 1293	6
S. 90	6	S. 1305	3
S. 90	2	S. 1306	14
S. 95	12	S. 1315	6
S. 378	5	S. 1315	2
S. 453	15	S. 1327	14
S. 506	14	S. 1335	14
S. 543	9	S. 1358	4
S. 556	12	S. 1380	2
S. 583	12	S. 1380	6
S. 659	12	H. 3055	3
S. 699	2	H. 3116	9
S. 776	12	H. 3228	6
S. 913	5	H. 3273	9
S. 921	12	H. 3373	3
S. 926	12	H. 3446	8
S. 929	12	H. 3624	8
S. 941	9	H. 3710	3
S. 949	2	H. 3740	9
S. 956	9	H. 3785	8
S. 1013	12	H. 3845	9
S. 1028	13	H. 3901	2
S. 1050	13	H. 3905	8
S. 1064	13	H. 3961	7
S. 1071	4	H. 3961	3
S. 1073	13	H. 3962	3
S. 1100	13	H. 3962	7
S. 1114	13	H. 3987	9
S. 1123	13	S. 3987	10
S. 1147	13	H. 4012	9
S. 1152	13	H. 4049	14
S. 1160	13	H. 4112	4
S. 1162	4	H. 4277	9
S. 1195	10	H. 4323	5
S. 1197	4	H. 4323	5
S. 1197	7	H. 4372	9
S. 1198	13	H. 4409	3
S. 1213	13	H. 4443	9
S. 1216	13	H. 4494	9
S. 1260	5	H. 4501	10
S. 1263	6	H. 4541	8

Legislative Update—May 21, 1996

H. 4542	7
H. 4546	10
H. 4568	10
H. 4584	8
H. 4627	8
H. 4637	10
H. 4649	7
S. 4649	10
H. 4651	12
H. 4657	6
H. 4657	14
H. 4657	2
H. 4657	7
H. 4663	4
H. 4681	7
H. 4694	3
H. 4737	3
H. 4795	8
H. 4796	10
H. 4803	8
H. 4818	8
H. 4825	10
H. 4833	10
H. 4834	10
H. 4865	3
H. 4976	3
H. 4979	8
H. 5014	5
H. 5015	4
H. 5016	5
H. 5017	4
H. 5018	4
H. 5019	4
H. 5020	5
H. 5021	5
H. 5022	5
H. 5023	5
S. 5024	5
H. 5027	14